UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,765	03/10/2004	Petteri Poyhonen	042933/271450	3955

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EXAMINER
GONZALEZ, AMANCIO

ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 54 is objected to because of the following informalities:

Change claim dependency on claim 54. It refers as if it depends on itself. For the

purpose of examination, it is interpreted to depend on claim 53.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claim 10 recites the limitation "wherein the SIP proxy is capable of receiving a

registration message to thereby register the terminal with the SIP proxy" in lines 4 and

5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   Claims 1-5, 7-14, 16-23, 25-32, 34-41, 43-50, and 52-54 are rejected under 35

U.S.C. 103(a) as being unpatentable over Marsh et al. (US PGPub 20060025141),

hereafter "Marsh," in view of Zmolek (US PGPub 20030154293), hereafter "Zmolek."

Consider claims 1, 19, 28, 37, and 46, Marsh discloses a system for establishing

a communication session with a terminal **(terminal reads on *unit* -see Marsh:**

Abstract; pars. 0008-0014; figs. 1, 2). Marsh discloses a network node located in a

network across which an originating client is capable of communicating **(network node**

reads on *soft switch 134* -see Marsh: pars. 0218). Marsh discloses wherein the

network node is capable of receiving a connection request **(see Marsh: pars. 0014, fig.**

10 element 500, fig. 13A element 586). Marsh discloses the network node sending a

trigger to the terminal **(trigger reads on *sending a call initiation message* -see**

Marsh: 0023, fig. 13A element 588). Marsh discloses wherein the network node is

also capable of receiving a registration message in response to the trigger to thereby

register the terminal with the network node **(see Marsh: par. 0095)**. Marsh discloses

identifying the terminal across the network such that the communication session is

capable of being established with the terminal based upon the identity of the terminal

across the network **(see Marsh: pars. 0014, 0015, 0100, 0119, 0120, 0142)**.

Marsh discloses the network node receiving a connection request and sending

invite message to the terminal, but does not particularly mention performing SIP

signaling independent of the location of the terminal. Zmolek discloses performing SIP

signaling independent of the location of the terminal **(see Zmolek: par. 0005).**

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the invention of Marsh and have it include performing SIP

signaling independent of the location of the terminal, as taught by Zmolek, thereby

facilitating media-independent signaling and the implementation of presence and

availability systems, as discussed by Zmolek **(see Zmolek: pars. 0003-0005).**

Consider claim 10, and as rejected under the second paragraph of 35 U.S.C. 112

above, Marsh discloses a system for establishing a communication session with a

terminal **(terminal reads on *unit* -see Marsh: Abstract; pars. 0008-0014; figs. 1, 2).**

Marsh discloses a network node located in a network across which an originating client

is capable of communicating **(see Marsh: pars. 0014, fig. 10 element 500, fig. 13A

element 586).** Marsh discloses wherein the network node is also capable of receiving a

registration message in response to thereby register the terminal with the network node

(see Marsh: par. 0095). Marsh discloses wherein the registration message includes an

identifier of the terminal **(see Marsh: pars. 0014, 0015).** Marsh discloses wherein the

network node is capable of triggering the terminal based upon the identifier of the

terminal to thereby identify the terminal across the network such that the communication

session is capable of being established with the terminal based upon the identity of the

terminal across the network **(trigger reads on *sending a call initiation message* -see

Marsh: 0023, 0014, 0015, 0100, 0119, 0120, 0142; fig. 13A element 588).**

Marsh discloses the network node receiving a connection request and sending invite message to the terminal, but does not particularly mention proxy server or performing SIP signaling independent of the location of the terminal. Zmolek discloses a proxy server and performing SIP signaling independent of the location of the terminal **(see Zmolek: pars. 0005, 0049, 0051, 0063).**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Marsh and have it include a proxy server and performing SIP signaling independent of the location of the terminal, as taught by Zmolek, thereby facilitating media-independent signaling and the implementation of presence and availability systems, as discussed by Zmolek **(see Zmolek: pars. 0003-0005).**

Consider claims 2, 7, 11, 16, 20, 25, 29, 34, 38, 43, 47, and 52, Marsh, as modified by Zmolek, teaches claims 1, 10, 19, 28, 37, 39, 46 and above, and Marsh further discloses wherein the network node is capable of receiving the connection request from the originating client, performing registration, and sending the connection request to the terminal (see Marsh: pars. 0010-0014, 0095).

Consider claims 3, 12, 21, 30, 39, and 48, Marsh, as modified by Zmolek, teaches claims 2, 11, 20, 29, 38, and 47 above, and Marsh further discloses inherently signaling to the terminal through at least one other network node (the SIP signaling is executed over a data-bearing path of a cellular network, which contains several nodes, i.e., MSCs and base stations –see Marsh: par. 0014).

Consider claims 4, 14, 23, 32, 41, and 50, Marsh, as modified by Zmolek,

teaches claims 1, 10, 19, 28, 37, and 46 above, and Zmolek further discloses SIP proxy

server (see Zmolek: pars. 0005, 0049, 0051, 0063).

Consider claims 5, 13, 22, 31, 40, and 49, Marsh, as modified by Zmolek,

teaches claims 1, 10, 20, 29, 38, and 47 above, and Zmolek further discloses inherently

buffering functions (the proxy server is a packet data element in which buffering is

inherent –see Zmolek: pars. 0005, 0049, 0051, 0063).

Consider claims 8, 17, 26, 35, 44, and 53, Marsh, as modified by Zmolek,

teaches claims 1, 10, 19, 28, 37, and 46 above, and Marsh further discloses wherein

the network node is located in a network across which an originating client is capable of

at least one of directly and indirectly communicating (see Marsh: Abstract; figs 1-6).

Consider claims 9, 18, 36, 45, and 54, Marsh, as modified by Zmolek, teaches

claims 8, 17, and 44 above, and Marsh further discloses a public network and private

network (see Marsh: pars. 0010, 0186).

7.   Claims 6, 15, 24, 33, 42 and 51 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Marsh et al. (US PGPub 20060025141), hereafter "Marsh," in view of

Zmolek (US PGPub 20030154293), hereafter "Zmolek," as applied to claims 1, 19, 28,

37, and 46 above, further in view of Dingman et al. (US PGPub 20040024879),

hereafter "Dingman."

Consider claims 6, 15, 24, 33, 42 and 51, Marsh, as modified by Zmolek, teaches

claims 1, 19, 28, 37, and 46 above, but does not particularly mention a network address

translator (NAT) or firewall (FW). Dingman discloses a network address translator (NAT)

and firewall (FW) (see Dingman: pars. 0011, 0016). It would have been obvious to a

person of ordinary skill in the art at the time the invention was made to modify the

invention of Marsh and Zmolek and have it include a network address translator (NAT)

and firewall (FW), as taught by Zmolek, thereby enabling communication between a

system within a protected network and an external system.

Conclusion

8.   Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed**

to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

9.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Amancio González, whose telephone number is (571)

270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to
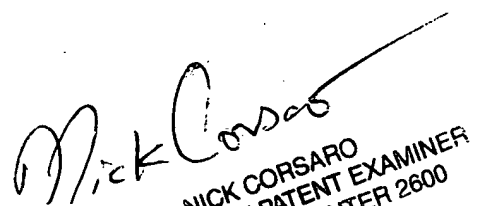
5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/customer service whose telephone

number is (571) 272-2600.

Amancio González
AG/ag

February 21, 2007

NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600